

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the meeting.

Also present were Joyce Grossnickle, Administrative Officer and Patti Morrow, Recording Secretary.

Council President Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with an invocation followed by the recitation of the Pledge of Allegiance.

Public Comments

- George Rudy
- Steve Bruns
- Carl Thomas
- Stan Mordensky
- John Gretz

Council President's Report

Council President Otis stated that he and Council Member Keegan-Ayer meet weekly with County Executive Gardner. Council Member Keegan-Ayer's notes from the meeting are available for review by the Council Members. He noted this report would be a standard part of the Council agenda going forward.

Council Comments

Council Members Chmelik, Delauter, Donald, Fitzwater, and Shreve provided comments.

Business Items:

Approval of Minutes

Council Member Keegan-Ayer made a motion to approve the February 3, 2015, minutes. Council Member Chmelik seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Installment Purchase Program (IPP) Resolutions #15-01 (Russell M. Tilley) and #15-02 (K. Scott Hood and Judy L. Hood) – Anne Bradley, Community Development Division

Ms. Bradley and Mr. Jim Cumbie, Esquire, Venable LLP (County Bond Counsel), requested the Tilley property, located on the east side of Highland School Road, be considered for an IPP easement.

Council Member Keegan-Ayer made a motion to approve Resolution #15-01 that would authorize the County Executive to enter into the IPP agreement for 187.91 acres owned by Russell M. Tilley. Council Member Delauter seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the approved/adopted resolution can be found on the county's website, www.FrederickCountyMD.gov.)

Ms. Bradley and Mr. Cumbie requested the Hood property, located on the east and west sides of Paul Rudy Road, north of Sumantown Road, be considered for an IPP easement.

Council Member Keegan-Ayer made a motion to approve Resolution #15-02, that would authorize the County Executive to enter into the IPP agreement for 128.75 acres owned by K. Scott and Judy Hood. Council Member Donald seconded the motion that passed 7-0.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the approved/adopted resolution can be found on the county's website, www.FrederickCountyMD.gov.)

Use of Road Shoulders – Council Member Jerry Donald

Council Member Donald gave a presentation on the benefits of paved road shoulders. He noted the county has approximately 188 miles of roads with no shoulders. He provided examples of roads with shoulders and those without.

This item was informational.

County Budget Transfer #BT-15-120 – Landfill Emergency Generators – Mike Gastley, Budget Office and Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Gastley and Mr. Demosky presented the budget transfer for the generators.

Council Member Keegan-Ayer moved to approve budget transfer #BT-15-120 as presented. Council Member Fitzwater seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

County Budget Transfer #BT-15-133 – RFP#1-009, Fuel Tank and Generator Removal, Relocation and Installation - Mike Gastley, Budget Office and Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Gastley and Mr. Demosky presented #BT-15-133 for the removal, relocation and installation of a fuel tank generator.

Council Member Keegan-Ayer moved to approve budget transfer #BT-15-133 as presented. Council Member Fitzwater seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Budget Transfer # 15-135 - Purchase of 75 hp Peerless Model 5AE8 Split Case Pump for Copperfield Water Treatment Plant, Jefferson, Maryland - Mike Gastley, Budget Office and Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Gastley and Mr. Demosky presented #BT-15-135 for the split case pump for Copperfield Water Treatment Plant.

Council Member Keegan-Ayer moved to approve budget transfer #BT-15-135 as presented. Council Member Donald seconded the motion that passed 5-0-2 with Council Members Delauter and Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter			X
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

County Budget Transfer #BT-15-132 – Ijamsville Road Improvements, Contract B – Mike Gastley, Budget Office and Jason Stitt, Public Works Division (DPW)

Mr. Gastley, Mr. Stitt, Mr. Chuck Nipe and Mr. Robert Shen, DPW, commented on the budget transfer.

Council Member Keegan-Ayer moved to approve budget transfer #BT-15-132 for the Ijamsville Road Improvements Phase I, Contract B. Council Member Donald seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Board of Education (BOE) Current Expense Fund Amendment #2-15 – Mike Gastley, Budget Office

Council Member Keegan-Ayer moved to approve BOE Current Expense Fund Amendment #2-15 as presented. Council Member Chmelik seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Board of Education (BOE) School Construction Fund Amendment #15-09 – Mike Gastley, Budget Office

Council Member Keegan-Ayer moved to approve BOE Amendment #15-09 as presented. Council Member Chmelik seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Approval of the Department of Transit's Authorizing Resolution #15-03 – Nancy Norris, Citizens Services Division

Ms. Norris presented the draft resolution that would authorize the County Executive to file a grant application to the Maryland Department of Transportation.

Council Member Keegan-Ayer moved to approve and adopt the Resolution #15-03 as presented. It was seconded by Council Member Fitzwater and passed 6-0-1 with Council Member Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Council Staffing Presentation – Council Vice President M.C. Keegan-Ayer and Council Treasurer Tony Chmelik

Council Member Keegan-Ayer presented four (4) staffing options.

Council Member Keegan-Ayer moved to discuss and fill the position of Council Manager/Legislative Director for the remainder of FY 2015 and continue to analyze other staffing options for FY 2016. Council Member Chmelik seconded the motion.

Following discussion by the Council, the motion passed 6-1 with Council Member Shreve opposed.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Council Budget Engagement Task Order for Budget Analyst – Tricia Griffis, Internal Audit Division

Ms. Griffis presented two (2) separate potential contractor task orders for a budget analysis by an independent auditing firm and a staffing and organizational chart analysis.

Discussion was held.

Council Member Keegan-Ayer moved to approve the task order for an independent auditing firm to analyze and make recommendations to the Council on the County Executive's draft budget proposal. Council Member Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Council Member Shreve moved to approve the task order for an independent auditor to provide a staffing and organizational chart analysis and make staffing recommendations to the Council. Council Member Fitzwater seconded the motion that failed 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Discussion of FY 2016 Budget Schedule – Council President Bud Otis and Council Treasurer Tony Chmelik

Council Member Chmelik presented the Council's schedule for the FY 2016 budget hearings and worksessions.

This item was informational.

Request for Proposal (RFP) for Independent Auditor in Compliance with Section 704(*) of the Frederick County Charter – Council President Bud Otis

Council Member Keegan-Ayer moved to direct the Department of Procurement and Contracting staff to issue an RFP for the independent auditor with Council President Otis participating in the selection process. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Consent Agenda Policy – Michael Chomel, Office of the County Attorney

Mr. Chomel presented the policy.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

Council Member Keegan-Ayer moved to approve the Consent Agenda Policy #2015-02 as presented. Council Member Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(The Council took a break at 6:30 p.m.)

Council Member Bud Otis, President, reconvened the meeting at 7:00 p.m. Present were Council Members M.C. Keegan-Ayer, Vice President; Tony Chmelik, Treasurer; Jerry Donald, and Jessica Fitzwater. Council Members Kirby Delauter and Billy Shreve were absent.

Public Hearing

Deer Management Permit Bill – Council President Bud Otis and Council Vice President M.C. Keegan-Ayer

The Council held a public hearing on the Frederick County Delegation's proposed Deer Management Permit – Use of Rifles Bill (House Bill 11-81 and Senate Bill 8-44).

Public comment was heard from:

- Ned Hallein
- Stan Mordensky
- Karl Bickel
- Scott Hipkins
- Bill Atwell
- Wayne Creadick, Mayor, Town of Myersville
- Colby Ferguson
- Charles Brault, Frederick County Farm Bureau
- John Miller, Burgess, Town of Middletown
- Howard Looney
- Leslie Novotny
- Mehrl Mayne

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

- Matt Seubert
- Edward Burrell
- Frederick County Sheriff Chuck Jenkins
- Steve McKay
- Chris Godman
- Sam Roop
- Jennifer Falcinelli, Commissioner, Town of Middletown
- Letter from Mayor Burgoyne, Town of Burkittsville

Staff was directed to submit a letter to the Frederick County Delegation expressing the Council's position on the Deer Management Permit – Use of Rifles Bill.

Public Comments

- George Rudy
- Russell Olden and Connie Onspaugh
- Joe Parsley
- Matt Seubert
- Sheriff Jenkins
- Stan Mordensky
- Colby Ferguson

Council Comments

Council Members Chmelik and Donald provided comments.

Closed Session

Maryland Annotated Code General Provisions Article §3-305(b): (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Topic: To discuss the hiring of Council staff member.

Council Member Fitzwater moved to go into Closed Session. Council Member Chmelik seconded the motion that passed 5-0 with Council Members Delauter and Shreve absent.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter			X
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Adjourn

The meeting adjourned at 9:00 p.m.

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, MARCH 3, 2015**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b):

Maryland Annotated Code General Provisions Article §3-305(b) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Upon a motion by Council Member Fitzwater, seconded by Council Member Chmelik, the Council voted 5-0, with Council Members Shreve and Delauter absent, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals

Time and Location:

9:05 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss the hiring of Council staff member.

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 3, 2015**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, MARCH 17, 2015,
FOLLOWING THE CLOSED MEETING OF TUESDAY, MARCH 3, 2015**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Upon a motion by Council Member Fitzwater, seconded by Council Member Chmelik, the Council voted 5-0, with Council Members Shreve and Delauter absent, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Time and Location:

9:05 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

M. Chomel

Topic to be Discussed:

To discuss the hiring of a Council staff member.

Action Taken:

An offer would be extended for the position of Council Manager.

Bud Otis, President
County Council